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Lead Counsel for Lead Plaintiffs

17 (additional counsel listed on signature pages)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

21 In Re Affymetrix) Case No. C 06-5353 JW
22 Derivative Litigation)
23 _____)
24 This Document Relates To:) STIPULATION AND [PROPOSED] *Denchler*
ALL ACTIONS) ORDER EXTENDING TIME FOR
) RESPONDING TO COMPLAINT
)
)

STIPULATION

Whereas, on March 31, 2008 this Court granted in part and denied in part Defendants' motion to dismiss the Verified Amended Consolidated Shareholder Derivative Complaint with leave to amend, ordered that Plaintiffs shall file an amended complaint on or before May 1, 2008, and scheduled a case management conference for June 2, 2008 at 10 a.m.;

Whereas, on April 18, 2008, Plaintiffs filed a Verified Second Amended Consolidated Shareholder Derivative Complaint; and

Whereas, Defendants currently have until May 5, 2008 to file a responsive pleading or otherwise respond.

IT IS HEREBY STIPULATED by and between the undersigned as follows:

Defendants shall answer or otherwise respond to the Verified Second Amended Complaint no later than **May 15, 2008**. In the event that Defendants file and serve a motion to dismiss directed at the Verified Second Amended Complaint, Lead Plaintiffs shall have until **June 9, 2008** to oppose, and Defendants shall have until **June 16, 2008** to reply. A hearing on such motion(s) shall be held on **June 30, 2008 at 9 a.m.**

Dated: April 30, 2008

DAVIS POLK & WARDWELL

By: /s/
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Counsel for Defendants

Dated: April 30, 2008

AFFYMETRIX LITIGATION UNIT

By: /s/
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1 ----and----

2 Dated: April 30, 2008

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11 *Lead Counsel for Lead Plaintiffs*

9 Dated: April 30, 2008

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18 *Lead Counsel for Lead Plaintiffs*

19 ATTESTATION PURSUANT TO GENERAL ORDER 45

20 I, Arthur J. Burke, attest that concurrence in the filing of this document has been obtained
21 from the other signatories. I declare under penalty of perjury that the foregoing is true and correct.
22 Executed on this 30th day of April, 2008, at Menlo Park, California.

23 _____
24 /s/ Arthur J. Burke
25 Arthur J. Burke

26 **ORDER**

27 In addition to the dates modified above, the Court also continues the Case Management
28 Conference presently scheduled for June 2, 2008 to **June 30, 2008 at 10 a.m.** to coincide with
the hearing on Defendants' anticipated Motion to Dismiss.

25 DATED: May 2, 2008

26 _____
27 JUDGE JAMES WARE

